IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRI. APPLICATION NO.4732 OF 2005
WITH
CRI. APPLICATION NO.4733 OF 2005
WITH
CRI. APPLICATION NO.4737 OF 2005
WITH
CRI. APPLICATION NO.4740 OF 2005

Dex-Vin Polymers Pvt.Ltd.
and Ors. ..Applicants

Vs.

Tara S.Mantri and Anr. ..Respondents

...
Mr.S.A.Bhagwat i/b Mr.H.H.Nagi for Applicants
Mr.R.S.Khadapkar A.P.P. for State
in 4732 of 2005
Mr.S.R.Shinde A.P.P. for State
in 4733 of 2005
Mr.V.B.Konde Deshmukh A.P.P. for State
in 4737 of 2005
Mr.B.H.Mehta A.P.P. for State
in 4740 of 2005
...

WITH
CRI. APPLICATION NO.5053 OF 2005

Mr.Suresh L.Raheja
and Anr. ..Applicants

Vs.

Chaurbhuj Devraj Puri
and Anr. ..Respondents

...
Mr.S.A.Bhagwat with Mr.H.H.Nagi
Advocatefor Applicants
Mr.Y.S.Shinde A.P.P. for State

...

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : SEPT. 30,2005

P.C.

1. Heard the learned advocate for the applicants and the learned A.P.P. for the State.

2. The applicants are seeking quashing of process issued by the learned learned Addl.Chief Metropolitan Magistrate, 33rd Court, Ballard Pier, Mumbai in C.C.Nos.917/SS/2004, 918/SS/2004, 919/SS/2004 and 920/SS/2004 and the process issued by the learned Metropolitan Magistrate, 12th Court, Bandra in C.C.No.3243/SS/2004. In the said cases, process was issued against the applicants under Section 138 r.w. 141 of Negotiable Instruments Act.

3. For the reasons recorded in the decision of this Court in the case of **V.K.Jain and others Vs. Pratap V. Padode reported in 2005(3) Mh.L.J.778,** I am of the opinion that the applicants have an efficacious remedy of preferring revision against

the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicants prefer a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicants to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the applicants makes a statement that the necessary revision will be preferred within four weeks from today. I am informed that the next date before the trial Court is 17th November, 2005.

5. On the necessary revision being preferred by the applicants before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Criminal Applications are disposed of.

7. Authenticated copy of the order be issued to the parties.

[V.K.TAHILRAMANI,J.]